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19 Attorneys for LEXINGTON INSURANCE
20 COMPANY and THE INSURANCE COMPANY OF THE
21 STATE OF PENNSYLVANIA

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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

17 AMERICAN STEEL & STAIRWAYS, INC.;) Case No. 12 cv 3103 SI
18 MARTIN VOLLRATH, an individual; and)
19 THOMAS VOLLRATH, an individual,) [The Honorable Susan Illston]
20 Plaintiffs,)
21 v.) **STIPULATION AND [PROPOSED]**
22 LEXINGTON INSURANCE COMPANY, a) **ORDER TO EXTEND MEDIATION**
23 Delaware corporation; INSURANCE) **DEADLINE; CONTINUE DATE OF**
24 COMPANY OF THE STATE OF) **INITIAL CASE MANAGEMENT**
25 PENNSYLVANIA, a Pennsylvania) **CONFERENCE AND WITHDRAW**
corporation; and DOES 1 through 100,) **MOTION TO EXTEND DEADLINE FOR**
inclusive,) **COMPLETING MEDIATION**
Defendants.)

)

1 Pursuant to Civil Local Rules, 16-2(e), 7-12, 6-1 and 6-2 and ADR Local Rule 6-5 for the
2 Northern District of California, Defendants Lexington Insurance Company (“Lexington”) and
3 the Insurance Company of the State of Pennsylvania, (“ISOP”) and Plaintiffs American Steel &
4 Stairways, Inc., Martin Vollrath and Thomas Vollrath (collectively “Plaintiffs”), collectively the
5 “Parties,” by their undersigned attorneys, hereby stipulate and agree as follows:

6 WHEREAS, Plaintiffs filed a Complaint in San Mateo County Superior Court on April
7 16, 2012 and the case was removed to Federal Court on June 15, 2012;

8 WHEREAS, the Court set the initial case management conference for September 21,
9 2012 at 2:30 p.m. and then reset the date for September 20, 2012 at 2:30 p.m.;

10 WHEREAS, the Court ordered this matter to mediation under ADR L.R. 6 on September
11 4, 2012 directing a presumptive deadline of December 3, 2012;

12 WHEREAS, on September 10, 2012, the Court, on its own motion, continued the date of
13 the initial case management conference for November 30, 2012;

14 WHEREAS, the Court issued its notice of appointment of mediator on October 3, 2012,
15 appointing Anne Lawlor Goyette as mediator;

16 WHEREAS, counsel for the Parties conducted their initial telephone conference with the
17 appointed mediator on November 5, 2012;

18 WHEREAS, Plaintiffs need additional time to prepare for the mediation;

19 WHEREAS, the mediator has agreed to schedule a mediation of this matter for January
20 10, 2013 if the Court grants an extension of the mediation deadline;

21 WHEREAS, Plaintiffs filed a Motion to Extend Deadline for Completing Mediation on
22 November 19, 2012 [Dkt. #58];

23 WHEREAS, pursuant to this Stipulation, Plaintiffs’ Motion to Extend Deadline for
24 Completing Mediation is moot and Plaintiffs agree to withdraw the motion;

25 WHEREAS, the initial case management conference should be conducted after the
26 Parties’ mediation to avoid unnecessary expenditure of the Court and Parties’ time and
27 resources;

1 WHEREAS, there has been no prior modification of the mediation deadline or the initial
2 case management conference date by the Parties;

3 WHEREAS, none of the Parties will be prejudiced by the modification of the mediation
4 deadline or the initial case management conference date;

5 NOW, THEREFORE, the Parties hereby stipulate to extend the mediation deadline to
6 January 31, 2013, to continue the date for the initial case management conference to February 1,
7 2013 at 2:30 p.m. or to a date to be scheduled by the Court after the mediation, and to withdraw
8 Plaintiffs' Motion to Extend Deadline for Completing Mediation.

9 IT IS SO AGREED AND STIPULATED.

10 DATED: November 20, 2012

11 SEDGWICK LLP

12 By: /s/ Diana L. Geseking
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24 PURSUANT TO STIPULATION, THE COURT HEREBY ORDERS:

1. The Mediation Deadline is continued to January 31, 2013;
2. The Initial Case Management Conference is continued to Feb. 22, 2013;
3. Plaintiffs' Motion to Extend Mediation Deadline is withdrawn.

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26 DATED: 11/21/12

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HONORABLE SUSAN ILLSTON
UNITED STATES DISTRICT COURT JUDGE

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25 AMERICAN STEEL & STAIRWAYS, INC.;)
26 MARTIN VOLLRATH, an individual; and)
27 THOMAS VOLLRATH, an individual,) Case No. 12 cv 3103 SI
28 Plaintiffs,) [The Honorable Susan Illston]
v.)
LEXINGTON INSURANCE COMPANY, a)
Delaware corporation; INSURANCE)
COMPANY OF THE STATE OF)
PENNSYLVANIA, a Pennsylvania)
corporation; and DOES 1 through 100,)
inclusive,)
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I am familiar with the United States District Court, Northern District of California's practice for collecting and processing electronic filings. Under that practice, the following document was electronically filed with the court on November 20, 2012:

1. STIPULATION AND [PROPOSED] ORDER TO EXTEND MEDIATION DEADLINE; CONTINUE DATE OF INITIAL CASE MANAGEMENT CONFERENCE AND WITHDRAW MOTION TO EXTEND DEADLINE FOR COMPLETING MEDIATION

The Court's CM/ECF system will generate a Notice of Electronic Filing (NEF) to the filing party, the assigned judge, and any registered users in the case. The NEF will constitute service of the document(s). Registration as a CM/ECF user constitutes consent to electronic service through the Court's transmission facilities. Under said practice, the following CM/ECF users were served:

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COUNSEL FOR PLAINTIFFS AMERICAN
STEEL & STAIRWAYS, INC., MARTIN
VOLLRATH and THOMAS VOLLRATH

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on November 20, 2012, at Chicago, Illinois.

/s/ Diana L. Geseking
Diana L. Geseking